BOMBAY GAZETTE.

PUBLISHED THRICE A WEEK, ON EVERY MONDAY, WEDNESDAY, AND FRIDAY, MORNING.

PRICE 13 RUPEES PER QUARTER:—52 RUPEES PER ANNUM:—OR, IF PAID IN ADVANCE, 48 RUPEES PER ANNUM.

"Nothing extenuate, nor set down aught in Malice."

Vol. LII. **BOMBAY: WEDNESDAY, APRIL 14, 1841.** **New Series No. 45.**

CHARGES FOR ADVERTISEMENTS IN THE BOMBAY GAZETTE.

6 Annas per line, with the customary abatement to the Trade.
For others the charges are:
6 Annas per line for a first insertion.
3 do. do. for a second do.
2 do. do. for a third do.
the same being in immediately succeeding papers.

Under ten lines, 4 Rupees.

NOTICE.

THE Public are hereby informed, that the BOMBAY GAZETTE PRESS has been removed from the late Premises No. 5, Forbes Street, and is now occupying the Premises in Apollo Street, Old Admiralty House, opposite the Bombay Chamber of Commerce and Exchange Rooms, where all communications to the Editor will be received.—Bombay, 5th April 1841.

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers to the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail—to Subscribers of the Gazette, *Gratis*.—Non-Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum, in England £1. 1s.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Two-pence.

Agents in England, Messrs. Grindlay, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.

Bombay Gazette Office, Apollo Street, Old Admiralty House.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are hereby informed, that VISITING and INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for Copper Plate Engraving and Card Printing addressed to the Printer of this Paper will be carefully attended to.

TO THE ARMY AND NAVY.

THE following Works are for Sale and to be had on application at this Office.

MARRYAT'S CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions..... Rs. 2

Report of the Commissioners for Inquiring into the Naval and Military Promotion and Retirement..... Rs. 2

Proceedings of a General Court Martial held at Fort George on Captain D. G. DUFF, 16th Regt. N. I..... Rs. 1

BOMBAY SPORTING MAGAZINE.

MANY applications having been made to the EDITOR of this Journal, and promises of assistance given to get up a *Sporting Magazine*, it is hereby announced that the 2nd No. of the BOMBAY SPORTING MAGAZINE will be published on the 20th of March, and will appear in [illegible] the price to Subscribers is 12 Rupees a year, single numbers 1 Rupee. Communications will be thankfully received.

FOR SALE.—A few copies of the "CEYLON MAGAZINE" from No. 1 to 6, for September, October and February, Price 3 Rupees per Copy.—Apply at the Bombay Gazette Office.

Gentlemen desirous of becoming Subscribers to the above Periodical will be pleased to communicate the same to the Editor by letter post paid.

FOR SALE, at the Gazette Office;

Respondentia Bonds, each	Rs.	1
Ship's Articles.....	,,	1
Policies of Insurance.....	,,	1
Bills of Exchange, per set.....	Ans.	8
Interest Bonds.....	,,	8
Bills of Lading.....	,,	8
Powers of Attorney, each.....	,,	8

FOR MADRAS TOUCHING AT COLOMBO.

TO SAIL ON THE 18TH INSTANT.

THE Bark "JOHN WM. DARE" burden 380 Tons, Captain Shepherd.—For freight or Passage apply to Aga Mahomed Rahim Sherazee.

Nesbit Lane, April 14th 1841.

NOTICE is hereby given that JOSEPH JOAQUIM REBEIRRO of Bombay Portuguese inhabitant, has contracted with JUGONNATHJEE SUNKERSETT, Esq. to sell to him his two houses, one on the Fuzendary ground of the Oart called Churney belonging to the said JUGONNATHJEE SUNKERSETT, and another on the Girgaum road both assessed under Nos. 2, and 100.—All persons having any claim or demand thereon by way of Mortgage, inheritance or otherwise, are hereby required to make the same known to the said JUGONNATH SUNKERSETT the purchaser thereof, within 14 days from the date hereof, otherwise the same will be precluded therefrom—Dated this 13th April 1841.

NOTICE.

AS the undersigned are now preparing for their Annual Stock of Beer, Regimental Messes and Individuals are particularly requested to intimate immediately what quantity and what Maker they will require for Consumption the ensuing Season.

WOOLER AND CO.

Bombay Green, 14th April 1841.

TYABJEE BHOYMEAH beg respectfully to inform his Customers and the Public that he has for Sale some very fine Straw Bonnets of the latest fashion.

Bombay, 14th April 1841.

TO be had at the Godowns of the undersigned, Superior Sherry in Wood from the House of *Apalatagui and Co.*, of Xeres.

In Butts at.....	Rs.	550
Hhd. at.....	"	300
Quarter Cask.....	"	150
In Quart Bottles per dozen.....	"	18

WILLIAM AND THOMAS EDMOND & Co.

Rampart Row, 7th April 1841.

Marine Department.

NOTIFICATION.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to dispatch a Steamer, with a Mail for Suez, on Saturday the 1st of May next.

By order of the Hon'ble the Governor in Council,
P. M. MELVILLE, Lieut. Col.
Secretary to Government.

Bombay Castle, 12th March 1841.

Notice is hereby given, that it is the intention of the Honorable the Governor in Council, to despatch a Steamer, with the Mail to Suez, on Saturday the 23rd May.

It is also intended to despatch a Steam Frigate with the Overland-mail, via Suez, on Saturday the 19th June, and again on Monday the 19th July; but Passengers cannot be accommodated in the usual manner, on these occasions.

The despatch of the ordinary monthly Packets will recommence on Wednesday the 1st September.

By order of the Hon'ble the Governor in Council
P. M MELVILLE, Lieut. Col.
Secretary to Government.

Bombay Castle, 31st March 1841.

Shipping in the Harbour.

H. C. VESSELS.	E. I. C. STEAMERS.
Receiving Ship Hastings.	Berenice.
BRIG.	Sesostris.
SCHOONERS.	Hugh Lindsay.
Taptee.	Medusa.
Royal Tiger.	Zenobia.
Palinurus.	Auckland.
Tigris.	
CUTTER.	
Margaret.	

SHIPPING ARRIVALS AND DEPARTURES.

ARRIVALS.

April 11th.—Grab Faz-e Kaebree, Futtay Alley Nacodah, from Surat 7th April.

Do. 12th.—The E. I. C. Steam Frigate Auckland, W. Lowe, Esq. Commander from Kurratchee. *Passengers* Asst. Surgeon Dartnell, 3d. Lt. Dragoons. 1 Corporal, 3 Privates, 1 Prisoner, H. M. 41st. Regt.

SAILED.

April 10th.—Ship British Merchant, R. Bowie, Master, to Liverpool.

Do. 11th.—Barque Sophia, J. Johnston, Master to Singapore. *Passengers* 16 Arabs.

Do. 12th.—Barque Chieftain, H. Payne, Master to Liverpool.

Do. ,, The E. I. C Iron Steamer Indus, Ratchee Mr, J. Roberts, to Kurratchee.

Do. 13th.—The E. I. C. Steamer Enterprize, C. H. West, Esq. Commander to Calcutta.

Do. ,, Ship Lancaster, J. Jefferson, Master to Liverpool. Passengers: Mrs. Pollexfen, child and Native Servant. Mrs. Taller, 3 Children and 1 European Female Servant. Mr. McDonald, Mr. R. Fitzgerald, and Mr. Fitzgerald.

Merchant Vessels.

ENGLISH.

Charles Grant.	Countess of Loudon.
Rosanna.	Charles Dumergue.
Champion.	Olive Branch.
Earl of Balcarras.	Wave.
Hope.	Carnatic.
	William Gillies.
	Bucephalus.
	Martha Ringway.

COUNTRY.

Cauderbux.	Yatch Prince Regent.
Pittamber Savoy.	Dawlut Savoy.
Caroline.	Wild Irish Girl.
Colonel Newal.	Malik-ool-Bahr.
Essavie.	Cursetjee Cawasjee.
Maria.	Shaw Allum.
Ruby.	John.
Fanny.	Futhel Barry.
Hydroose.	Brigand.
Alexander Robertson	Victoria.
Ruparell.	Kusrovie.
Hamoody.	Dadaloy.
Caroline.	Solomon Shaw.
Sophia.	Memnon.
Lady Grant.	John William Dare.
Ratler.	Acasta.
Corsair.	Midas.
Drongan.	Juda Rahimon
Roopaulny.	

FRENCH.

LaAdele.	PORTUGUESE.
Brig LeDeux.	Brig (War) Cassador Africano.
ARAB.	
Harsingar.	Brig Novo Viagente.
Lodesne.	
Hamonshaw.	
Haze Kae bree	

Military Arrivals and Departures.

ARRIVALS.

April 9th.—Lieut. Crawford, Asst. Supt. Roads from Trombay.

Do. 10th.—Surgeon J. Macfarland, M. Army from Siduey.

Do. ,, Lieut. C. Williams 14th Regt. from Rajkote.

Do. 13th.—Ensign C. Dusserier from Kirkee.

DEPARTURES.

Do. 12th—Surgeon J. Macfarland, M. Army to Madras.

Do. ,, Supg. Surgeon J. Glen, to Mahabulishwar

CORRESPONDENCE.

COLABA CHURCH.

TO THE EDITOR OF THE BOMBAY GAZETTE.

DEAR SIR,—As you have always shewn yourself ready and willing to bring the wrongs and grievances of Society to the notice of those who have the power of redressing them, I am induced to trouble you with a *slight inconvenience* which is felt by a portion of the community residing on Colaba, in the hope that you will point out a means to remove it; the seats in the small church on that Island are I am told assigned to particular individuals, but as no one seems to know which is her or his allotted seat, parties often take chairs which (others think) they are not strictly entitled to occupy, for which, should the real owner afterwards enter, they receive (not) the most gracious looks or they are perhaps told by a friend of the propietor of the said chair, that it belongs to Mrs. A. or B. which is nothing more or less than an intimation of "You have no business to sit in that chair." Now it appears to me not less unseemly for one Lady to be parading in a church gratuitously performing the duty of a Beadle or a Sexton, than for another to be told she has no right to be sitting where she is—I think some means ought to be adopted, and this I should think might easily be done in so small a church which seldom has a congregation exceeding fifty, to prevent these little disagreeables, and the necessity for a remedy is not perhaps lessened by the circumstance of the majority of the congregation consisting of Ladies, who are not less tenacious of their rights (especially amongst themselves) than the other Sex.

I remain, Sir, your Obedient Servant.

D.

AN ORDER PROHIBITING CERTAIN CLASS OF PEOPLE ON THE RAMPARTS.

TO THE EDITOR OF THE BOMBAY GAZETTE.

SIR,—The following is a copy of a Division Order by the Major General Commanding the Southern Division of the Army, an attentive perusal of which I trust I may be permitted to beg of yourself and readers —

"No person to ascend the Ramparts in the Fort save *Ladies* and *Gentlemen*, their *Families* and *Servants* accompanying them. Commissioned, Non-Commissioned Rank and File on duty or in uniform." The guards are directed to enforce the same.

Now I would just wish to enquire in the name of every thing that is good and gracious (through the medium of your valuable Journal) the interpretation to be put on, or the natural inference to be drawn from such an order.

In the first place we should like to know the cause that has given rise to such an order. In the next if such an order were found to be essential to "our mutual good" why such paltry and ungentlemanly distinctions have been made?

Who the Ladies and Gentlemen their Families and Servants are (the Lor bless them!) that are so particularly attended to, and permitted the privilege of enjoying themselves on the Ramparts, I cannot for the life of me tell you, and why Warrant Officers and their Families with other respectable residents in the Fort have been exempted *tee-totaly* as you might say from the same remains yet in statuquo.

Although the Ramparts are not so very prepossessing as to render them the favourite resort either of the elite or other classes of Society at this station, yet it would be nothing but fair that one and the same privilege should be extended to all parties.

I am no advocate for disorderly behaviour Mr, Editor, and would far from murmur at this recent order could our worthy General adduce sufficient reason for the distinction that has been made. If Ladies and Gentlemen, their Families and Servants be permitted the privilege, why not let all God's creatures and John Company's Servants participate in the same, and let no invidious distinctions be made regarding either one party or the other, unless sufficient cause can be shown for so doing.

The superiors ought to look sharp and not come paddy over us as the saying is, for we "dinna ken" that. They may ride with a rod of iron if it suits their fancy, but let not its effects be felt solely by one party and that the most innocent and unoffending. Its not Panick I assure you Mr. Editor, and if Paddy's dander is once roused by any such,—needless is it for me to add you'll find him a tough piece of beef to deal with.

I expect shortly to see an Order prohibiting all save Ladies and Gentlemen with their Families and servants from riding or driving either in the Fort or public thoroughfares in the Cantonment!! My eyes! this is not fair play Mr. Editor; if the order of the day is such, we who unfortunately do not come under the grade of civil or commissioned Officers, might as well cry quits at once, and march direct to some more hospitable clime!

Trusting these few remarks may find a corner in your Paper and be the means of doing the needful.

I am, Sir, yours very obediently,
PETER PUMPKIN.

7th April 1841.

THE CONTEMPT CASE—PRESENTATION OF A PIECE OF PLATE.

"I am in the place where I am demanded of conscience to speak the truth and therefore the truth I speak, impugn it who list."—KNOX.

TO THE EDITOR OF THE BOMBAY GAZETTE.

MY DEAR MR. EDITOR,—Since I had the pleasure of writing to you I find the "*Times*" has, in a fashion, decared the justice of the judgment which some of its friends and some of its Proprietors have passed upon it, and moreover has declared its effects and those of the judges to have been *salutary*.

Therefore I shall make no more mention of this Paper as regards its Editor, further than to express my satisfaction at this additional proof of the justice and propriety of Chief Justice Willis' remaks as to a subject of a similar nature then before him, that it would be "*a memorial to the present and future ages that whoever set themselves up in opposition to the laws or think themselves above the Law would in the end find themselves mistaken.*" Conceiving moreover that a Newspaper, constituted as the *Times* avowedly is, to be the organ of its immediate Proprietors, I receive the proffered acknowledgement of a committed fault above referred to, as a complete and satisfactory surety for its non recurrence.

With this opinion I can no longer find fault with the "*Times*" for it is an honorable trait in any character, private or public, where the justice of an inflicted punishment is admitted and its salutary effect acknowledged.

But this has nothing to do with the absolute merits of the case. Accidentally last evening's conversation happened to turn upon this subject between myself and a gentleman well versed in mercantile matters. I asked him, really more from curiosity than anything else, whether there was any doubt or could be any doubt as to the propriety of the Judge remarking upon such an affidavit as Mr. Forbes? His answer was "None." Redundantly he answered that, "No one ever had attempted to defend the affidavit!"

Good God! Can I be rightly informed that this is the public opinion? can it be that any *friend* of Mr. Forbes' (for you see I have not yet left the *root* of the question) could have advised him to go the lengths he has presumed to through counsel? Can it be in defence of an avowed fault on the part of a suitor that a Chief Justice is to be maligned and his judgement quibbled upon, here that judgement is allowed by all parties to e just though the language in which it is conveyed be not pleasant to the ear of the offender? Is it for this that Mr. Cochrane has indulged in language such as, I will be bound, has no precedent in the knowledge of any member of the Bombay Bar, and the impropriety of which the Chief Justice was so convinced of, that he thought it necessary and charitable to assure the Profession that Mr. Cochrane had used it *with impunity*?

Is it in defence of such an affidavit as this is acknowledged to be, so careless, so unfit to be received as a judicial paper that a Judge is to be brought to the Bar of public opinion and arraigned where the dignity of his situation forbids an answer on his part and condemned unheard because he has adopted strong language in an attempt to put a stop to a system which is fraught with injury to all, and which moreover it is generally believed that nothing but delicacy on the part of former Chief Justices allowed to exist?

Is it, Mr. Editor, in defence of this affidavit that the bravado of presenting a piece of plate or pottery to Mr. Cochrane is to be gone through?

Or is it that the Counsel has behaved bravely or independently as an advocate in addressing such language as is attributed to him, to the Chief Justice of the Supreme Court? And the Chief Justice against whom he levelled all this disrespectful language the person for whom on a former occasion he *begged permission* to declare his *affection*, having *already declared* his *esteem*!!!!

"Eh tu, Brute"! well may Sir H. Roper say!

Do these Merchants imagine that they are indebted to *their Counsel* for their release from liability? If they do, they are, I suspect, very much mistaken.

I, for one, utterly unacquainted with any of the parties, am at a loss to conceive what eloquence or brilliancy can be found in Mr. Cochrane's speech. When I hear such an opinion I recall to my recollection days of old when I used to listen with greedy ears to Mr. Scarlett, Mr. Brougham, Mr. Williams, and dozens of eloquent men, but to call what I have seen in the papers eloquence is to libel the language!

My obtusity of intellect may be the cause of it, but I cannot discover a single principle laid down, by the counsel which a schoolboy would not be ashamed to acknowledge his ignorance of (though he might not acknowledge its truth) or can I discover any thing but a determined and labored effort to go to the utmost limit of language which common decency would allow, and to shew to the natives of the country and to our own countrymen of all classes, civil and military, to what extent a Judge's high and holy office may be lowered by one of its own aspirants so forgetting the respect which is due even *to himself* and thus destroying in his own person the dignified character of both advocate and Judge!

You will see I have in this letter left my original intention of going gradually through this affair, but I shall "hark back" on Friday.

I have been led into this train of remark by what I have seen in the "*Times*" of yesterday and the notice of this impudent subscription for a piece of plate.

Yours Obediently.
AMICUS.

TO THE EDITOR OF THE BOMBAY GAZETTE.

SIR,—We have had much of the "Contemp Case" recently, now I'll produce one, which happened in America. It was this. A Member of Council grossly insulted a Judge in the street, and was tried for the offence *by the Judge*. He was half drunk, but defended himself by the vilest abuse of the Judge, who could not silence him. No Jury was appealed to; but (it was supposed for *Contempt of Court*) he was ordered to give security for one years good behaviour, and not procuring sufficient bail, was committed to prison.

JONATHAN.

12th April 1841.

POETRY.

CONSISTENCY.

The great Commercials took their seats in Court
To vindicate their Journals from Contempt
And C——e spoke with bold and solemn port
To shew their cause from Judges power exempt
Each Madapollam Hero snuffed the air
As if he meant to say "the deuce may care"
"I'll not say viva voce I am wrong
"I'll not disclaim but go to Mazagong
"I'd rather lay my carcase in a Jail
"Though by concession timely I might save it"
Time wore—they saw the Chief disdain'd to quail
And each disclaimed upon his affidavit.

AMICUS CURIÆ.

'Nothing extenuate, nor set down aught in Malice.'

THE GAZETTE.

Wednesday, April 14, 1841.

WE published an Extra on Monday Evening for our Presidency Subscribers which we have embodied to-day in our Paper for those in the Moofussil. What we gave in it was the news from China and the terms of the new 5 per Cent. loan which will be found under the proper heads.

WE have received another letter from "AMICUS" on "the Great Contempt Case" to which we have given a somewhat reluctant insertion, although we agree with his arguments in the main, The fact is we believe the Public have had enough of the affair it is "a twice told tale" and we are now anxiously looking for something else. We must set "AMICUS" right on one point. The reports of Mr. Cochrane's speeches did not do justice to the originals which were well delivered and in good terms. Mr. Cochrane evidently did the best he could for his clients whatever opinion may be held as to his matter, manner and argument, and he is at least entitled to their gratitude. Whether the making a public and party affair the piece of plate to be given to him be judicious or not we leave to themselves.

We have received a Pamphlet entitled "*An appeal to British justice and honor*" printed in London which relates to the resumption of the Territories of Angria's Colabah by the Government of Bombay on the decease of the last male heir in the direct line of the reigning Family, and sets up a claim from the widows of the last Rajah to be allowed to adopt a son. We have read the Pamphlet with great attention but shall abstain from commenting thereon until we have heard the other side of the question, and make some further inquiries as to the right and custom of adoption. The proceedings which caused resumption were ordered by the Government of India. The case appears to have met no encouragement at home, and as we conceive it requires deliberation, we shall hold ourselves excused for the present from entering on the discussion promising that it shall have a fair share of attention in a day or two.

The *Agra Ukhbar* of the 3rd of April gives a very graphic account of Brigadier Shelton's achievements in the Sangookhel Valley. We have nothing else of interest from the North West. From Scinde we presume we shall have nothing of importance until the arrival of General Brook's Force at Quetta, when if an advance on Candahar and eventually to Herat be determined upon, it must come out in spite of the secrecy of officials. Major Todd's return to Herat seems to discountenance the reported advance of the Persians however we have had a warning of what might be done if the news even proves untrue, and ought to provide against such a possibility in future. If our Troops are to stay in Affghanistan, Herat must be added to the Dooranee Empire and Kamran and Yar Mahommed got rid of. We have tried bribery to a pretty amount and it has failed, and more convincing arguments must be resorted to. We are very anxious to see what the Politicals will do in Scinde when the main body of our force is up the Pass and how the Hill Tribes will behave. We fear a Guerilla warfare will always be going on to our loss, and like the French in Spain we shall lose more by these hornet like attacks than if we fought lots of pitched Battles. To settle tribes of Mountaineers who have been accustomed all their lives to rapine and independence is no doubt an arduous task. The Highlanders of Scotland have only been brought into a perfectly civilized state in comparatively modern times, although so long under the British sway. We recollect the *United Service Gazette* last month advocated the utter extermination of the Tribes opposed to us, this would certainly be one way of keeping them quiet "Create a desert and call it peace." We think the plan pursued of gaining over some of the Tribes and getting them to induce the others to come in by far the best. If we wage a war of extermination we shall enlist the feelings of the whole Country against us, besides that it is revolting to every idea of humanity. The poor fellows after all are only defending their Native Hills against strangers, and though we may come there for their *good* they may imagine we come for their *chattles* also. A report prevails that Major Outram is to succeed Mr. Ross Bell as Political Agent, if so there is no one better qualified for the situation and if any man can manage the Beloochees he will. We should be glad to hear of his appointment now, as with a weak force in Lower Scinde, much mischief may ensue which feeble or half measures might aggravate into decided disasters!

Among our Extracts from the Bengal Papers will be found the action brought by the Reporter of the *Englishman* against Colonel Foster Walker and Serjeant Douglas for an assault committed on him while attending the Trial of Major Smith of the Engineers to report proceedings of the Trial for the above Newspaper. Mr. Ricketts has gained a verdict of 50 rupees and costs and not only that but a precedent to shew that the proceedings of an open Court like a Court Martial can be published as they occur daily, without let or hindrance from the President or Members. To any rational man who reflects for a moment there could have been no doubts on the subject, and Mr. Turton cited sufficient authorities thereon, and the late celebrated case of Captain Reynolds' Court Martial, where the Reporters had been cautioned not to publish the proceedings until the whole of the Trial had been concluded, but notwithstanding this the whole proceedings were published in the *Times* and when this was brought to the notice of the President, he said "The Court had no means of prevention, that they were questions of "discretion only, and these things are "occurring every day." Mr. Turton also quoted Tytler to prove that "all "Courts Martial are conducted publicly and with open doors"—and on a question from Chief Justice Ryan "stated "that he did not consider a "Court Martial a Court of Record and "that it had no power to fine and imprison only in special cases." The Chief Justice in his summing up declared that the Court was of opinion "that a Court Martial *has a right to* "*exclude any person guilty of a Con*"*tempt committed in the face of that* "*Court, and if before the* Plaintiff was "ordered not to take notes, he had "acted contemptuously he might le"gally have been removed." But the great crowning point as regards the Press which no argument of "whether a Court Martial be a Court of Record or not," can effect, is the decision "that no one can be prevented taking "Notes at a Court Martial for that it "is an open Court which the public "have a right to attend, and that the "persisting in taking Notes even in "despite of an order of the Court to the "contrary is not a contempt, the order "itself being illegal." With regard to the "question of damages, the Defendants Counsel got leave to move to set aside the Verdict and enter a nonsuit, on the ground that a Court Martial is a Court of Record, and if it should prove so, the Supreme Court has no power thus to punish the President. However even in that case it does not set aside the decision as to the right of reporting, and we are truly happy to see so interesting a precedent established in India. We can recollect the time when extraordinary jealousy existed on not only reports, but even assistance being afforded to prisoners by Barristers of the Supreme Court. The constitution of Courts Martial is now better understood and a more liberal feeling exists. There is no Court in the world that ought to be fairer or more unbiassed than a Court Martial, it is always composed of Officers of the same or superior Rank to the Prisoner, the members are open to challenge and they are on oath and taking it for all in all we may consider that as men holding a responsible exalted and honorable position, their judgment is as little likely to be warped as that of any jury in the world. Whatever is uttered in Court may be heard by all and why should it not be written down and published? If any thing is badly or maliciously reported the paper publishing is answerable and an action for libel would lie. The greater the publicity given to any case the less jugglery and hocus pocus work can go on, and we do maintain that a fair report can never injure a good cause, while the greatest gloss will never make the worse appear the better side. The Press of India in general are indebted to the *Englishman* for mooting the question which we opine will never henceforth be agitated again, while Presidents of Courts Martial and Provost Serjeants whenever they see,

"A cheil among 'em takin notes,
Have got a lesson which they will, do well "to remember not to forget."

The announcement of a new 5 per cent Loan by the Government of India is an expressive sign of the times. At scarcely any previous period of our sway in India has our Government been called on for such immense financial exertions as at present. With two great wars in hand in Scinde and China, we have the probability of a third with the Seikhs and for all these money must be found, the *Englishman* says "a scarcity of money for Com"mercial purposes must necessarily "result from this new Loan As a "consequence the Union Bank. Di"rectors have resolved to raise their "discounts one per cent, and on De"posits half per cent and also to ad"vance the intrest on paid deposits "from 4 to 5½ per cent." We confess that we cannot understand if our conquests be pushed much further from whence money is to come for the expence of such tremendous armaments. The expences of Scinde and Affghanistan are appaling and we fancy the China expedition is likely to be even more costly, and for all this outlay what returns have we received? The money which has been spent in the North west and in China finds not its way back in any shape to our own states, and India is daily and hourly becoming impoverished, her people ground down with taxes and her blood and treasure drained to support vast schemes of foreign conquest in which her sons have no stake. To the war in China there seems to be some prospect of a termination which will secure important results to Trade and Commerce, besides reparation for loss of honour and repayment for British property violently seized; but the most favorable view of the affairs in Scinde Cutch, Gundava and Affghanistan only shew the chance of keeping up a vast standing army at an incredible outlay for an indefinite time to support an intrusive Monarch, to whom time will not reconcile his half wild and lawless subjects, and whom no measures but those of absolute armed interference will ever maintain on his Throne. Bitterly shall we yet rue the day when a nest of unfledged diplomats lead us to land an army on the Banks of the Indus. A Chorus of Politicals sang "not the Campbells" but

"The Russians are coming."

The strain was caught up by the Council Table of Calcutta —The great Earl fulminated a Manifesto, the corps d'armée of the Indus were formed, as Major Sturgeon says, "the Drums beat in front, the dogs barked in the rear, the fifes played on they went (instead from of Ealing to Acton, from Acton to Uxbridge)" from Hydrabad to Candahar, from Candahar to Ghuzni from Ghuzni, to Cabul. That great Guy Fawkes Shah Shoojah was installed, Dog and Duck ribbons were distributed, My Lord got an Earldom Sir John got a Barony, Mac and Pots Baronetcies and poor John Company got his pockets picked, having however previously liberally helped himself from the bags of others. Seriously speaking we see no bound to the ruinous field of expence on which we have entered and no honorable method of retracing our steps, our commiseration is chiefly directed to those who will really suffer the already over-burthened tenants of the soil. They (as in England) have no representatives to license the appropriation of their money, they must suffer and in silence. The system of Policy which has erected another Kingdom outside of ours to protect our frontier in case of Russian invasion, which said Kingdom we are obliged to uphold (an imperium in imperio) and sustain with money and arms is about as clumsy a bit of botching as we have had the honor of inspecting. It would have been quite time enough to have opposed the Bear when he did come to our door, and as for the vaunted Commercial wealth which was to pour down on us from the waters of the Indus like a second Pactolus, we fancy we have distributed a great deal more coin on its banks than ever we shall gain by the Trade on the stream. However we are now in for it and have little doubt that this will not be the last 5 per cent loan which will be raised to support an intrusive Monarch and a weak and tottering cause.

By the Calcutta Papers of the 2nd and 3rd of April, we have received a more detailed account of the operations against the Bogue Forts brought by the *Water Witch*. These renowned Fortifications have fallen to the British without a casualty of either arm of the Force and the river up to Canton is now open to a warlike advance. The Emperor seems determined on hostilities and has refused to ratify Keshen's Treaty with our Plenipotentiary, nor can we wonder at his determination. He has been told that a great hostile Force has approached the shores of his Empire, he has heard of big worded Proclamations which have been followed up by no corresponding acts, while the occupation of an Island on the "outside waters" has been too insignificant to disturb the Imperial repose. His Majesty has seen none of the horrors of War and probably wrapped up in an overwhelming idea of his own power and greatness despises his Barbarian Enemies and having never experienced reverses, fancies that he has but to issue his fiat to cause the immediate destruction of his foes. The unfortunate vacillating policy and mistaken course of mercy pursued by the Elliott's, will prove yet a fertile source of misery and human suffering to the Chinese. War to be at all merciful should be carried on with vigour and promptitude, and severe examples bring the evil to an end sooner than feeble murderous half measures. Had part of the expedition taken the Bogue Forts at once and seized on Canton while the other went round and advanced on Pekin, we should long ago have had every article settled to our wishes, the Tea Trade would again have been open and we should have been relieved from our present Commercial pressure. All that should have been done remains now to be effected with insufficient Forces, and we hear a cry of "Instant reinforcements for China." Where are Troops to come from? particularly as Europeans are wanted, it being of secondary importance to send Native Regiments and Her Majesty's Forces already there are reduced to mere skeleton Regiments, as an instance of which it is stated in the Newspapers that the Cameronians had only ninety men fit for duty. The Press at home are taking up the subject warmly and call it a Ministerial Walcheren, and we should not at all be surprized to see a successor to Elliot arrive from Europe by the next Packet armed with extraordinary Powers, nor should we be astonished if it was the gallant Sir Charles Napier as he has been indicated at home in the Papers. We should hail his arrival with unfeigned pleasure and should then really look for a satisfactory settlement of affairs. If a war with the United States does break out as is apprehended at home on the affair of the arrest of McLeod, we shall require a double force in China, as there cannot be a doubt but the Yankees will help the Celestials, and if they do they can send Vessels of War across the Pacific in a very short time, while a few hundreds of good soldiers and particularly Artillerymen mingled among the Fokies might give us infinite trouble before we could subdue them. There has appeared already a great desire among the subjects of the United States in the Chinese Territories, throughout our quarrel with the Chinese to avail themselves of our troubles, and if they find Uncle Sam and John Bull at loggerheads we have no doubt open aid and assistance will be immediately proffered and accepted. Should a War really break out how will the Whig Government have cause to curse their stupidity in sacrificing themselves and the Nation to the Minto Family! Had they sent a man of energy, the China Question would long ago have been set at rest, whereas an alliance however strange it may sound of Chinese and Yankees may protract our warfare, and cause further expenditure of millions of the Public Treasure and hundreds of valuable lives. We trust on every account that the war with the United States may be averted it is too much like a Civil war. They are of one common stock with us and use one common language, but if a War does ensue we predict that some of its most disagreeable and vexatious effects will shew themselves in China. We can only hope that a severe blow may be struck by Sir Gordon Bremer immediately, and that it may lead to instant pacification; if it be we may yet settle the Brother of the Sun and Moon before Jonathan can come forward in the character of "a help," and in that case we calculate we may be ready to give him a tarnation licking if he attempts to hinder a pacification, or tries again to raise up the Dander of the vanquished Fokies.

NORTH WEST PROVINCES.

Agra Ukhbar, April 3.

By a letter from Jullalabad of the 14th March we learn, that General Elphinstone was expected there about the 25th. The Troops under Brigadier Shelton were still in the hills in the vicinity of Peshbolah, doing nothing but waiting for powder to blow away all signs of the Wallid villages. They were expected to arrive about the 20th instant. There was a good deal of sickness among the Troops European and Native, slight fevers and bowel complaints, but nothing serious.

There is nothing of interest from the North west. Captain Ponsonby has been appointed to succeed the late Captain Douglas, as Assistant Adjutant General to the Cabool force, and the gallant 26th Regiment Native Infantry is ordered to proceed to Peshawur.

We have received from a Correspondent the following account of Brigadier Shelton's proceedings in the Sangookhel valley. It is the best we have seen of them, and will be read with much interest.

"We last said that a force was about to march to punish the Sangoo-khel, a tribe of Affghan "selvidges, as lives in the mountains, and eats young children." They had a great name having never been brought into subjection, no body had been able to beard 'em since the days of Job; and Alexander the Great and Tymer the Tarter, had been unable to conquer them! On the 23rd of February the force encamped four miles North of the mouth of the valley, which runs South in a sort of *serpentine* line *up* to the snowy mountains, some twenty miles from Camp, and the rivulet runs *down* the same way. It was said, the gun horses were tired, and all hands would do more with the day before them, so no more was done that day. At 4 A. M., 24th, the centre column marched for the valley. There was a left and a right column also, and when the debouchure was reached, flanking parties were thrown out from the main column, led by the Chief. The left column had a circumbendibus to make, so they went an hour sooner. Within the first two and a half miles were upwards of thirty forts, which were all evacuated, then came a formidable narrow gorge, through which the column quietly proceeded, the flankers having (as the Irish gamekeeper said to Sheridan) "frightened 'em out, o'that." You know the strength and composition of the columns, I suppose, so I need not tell you that. Shortly after the gorge Mr. Pigou the Engineer, was unfortunately blown up by his own powder bag at a fort gate. He had a few minutes before, at a prior fort, gained the hearts of the light bobs, by the way in which he stole a march on the party for the assault. "Stand back, lads, a moment, till the smoke clears," said he, bang went the powder, smash went the gate into a thousand splinters, and Pigou was the first man in—however this is a digression. Shortly after this contretemps the right column joined the centre, a few of the Jan Baz horse having just before made a gallant charge at the hill, in which however, they lost from the Sangoo rifles as many men as fell under their swords. On went the column as far or further than I could tell, 'twixt this time and to-morrow morning, were I to remunerate all the forts: at five miles up the valley, the left column under Captain Cragie joined. Then there was a halt, a biscuit and a glass of grog, during which I will make another digression to describe what I have termed forts. If I de-cribed them negatively, I should say that they are not like Fort William, or the in posse fortifications of Paris, no zigzagging sorts of in and out c-naers, no ditches, and ravelins, and angles, and blanks, and such labyrinths; but just a square of 20 to 40 yards, surrounded by a mud wall four to six feet thick at bottom, becoming gradually thinner to the height of sixteen to 24 feet, where it is only one or two feet thick; there are no ramps or ramparts, o loop holes. There is a door or gate in the centre of one face only, and a round tower (or in a few instances, square) at one or more of the angles. These towers are solid for 10 feet or so, surmounted by a loop-holed room ten or twelve feet in diameter, accessible frequently only by a ladder of wood or rope. In many there is a loop-holed place above this again, others have a parapet on the top of all, some have machecolets, and some of the upper places are only to be got at through a trap door in the floor—bas. This is a Sangoo-khel fort, and formidable places they would have been too, had they been defended which happened not to be the case, the flankers on the night, and the first examples of the futility of resistance, inducing the Sangoos to flit as the column approached them. The valley heretofore ruled by the Sangoos, is lik Britannia's way o' ruling the waves, all up and down like, and not very straight. It is eighteen miles long, so they say, and in parts half a mile wide, for a mile or so at a stretch, cultivated in terraces on both banks of a murmuring stream; beyond this are rocky hills nearer or closer to the valley, and increasing in altitude, and more or less wooded, as the snowy range they rise to, is approached. After the troops had got eight miles up the valley (twelve in all) posts were established, and the rest returned to camp at the sixth mile. Next day the Commander determined to go "a bit more further in," and the force reached the head of the valley. Posts were here also established, and the Head-Quarters returned to the camp on the preceding day. This day to the deep regret of many friends Captain Douglas, Assistant Adjutant General, was killed by a rifle shot through the neck as he was speaking to Brigadier Shelton at the head of the column. Up went more skirmishers to clear the heights, and bellows to mend was the order of the day. "Sure," said Ted O'Brien, "five-fingered Jack thought he'd a visit from an old acquaintance when that ball whizzed by his head"—"Oh! then," says Murphy of the Grenadiers, "Jack is twice as bould as any body else, for he's only half a mark to be hit"—"it'll be the death of me," adds Corporal Mahony "climbing up these mountainous regions, so"—"I wouldn't mind it at all if the hills was only levelled a bit." Thus they pushed along. On the 28th the Commander determined to go as far as he could, and off he started again in a S. W. direction up the bed of a torrent through a winding defile with occasional narrow gorges through the rock. The flankers were not spared again, and with the same effect; after three miles the valley opened to five or six hundred yards, and so continued to the snow. It was cultivated in terraces on both sides, studded with forts (about twenty) with numerous houses among the vineyards. Our ghuzub-i-Khoda—as a nigger said some other great destroying angel had been named—resumed his work of destruction; vines were cut, houses, forts and forage plundered and fired without mercy. Then the troops went back again. After two days spent blowing up and digging down some thirty forts, at the head of the valley, the Chief determined to return, and the baggage was sent on, when one of the front out-lying pickets was driven back. Up went ten or twelve companies in support and pursuit, and something like the following was reported to have been heard near Head-Quarters, "Recall the baggage immediately, I'll give these rascals a further lesson—they shall have a few more days of our company, and, perhaps, a second trip up to the snow may enable us to destroy the remaining vineyards and fruit tress." "Here! Colonel ——— be so good as send the Grenadiers to fire those remaining houses near camp, you understand, and send Captain ———'s company to destroy those fruit trees on the opposite side, you perceive." Another week was passed in different parts of the valley, whilst the demolition of forts, &c. was going on, and the hitherto impenetrable Nazran valley is a heap of ruins—The labours of ages are destroyed. The strong neighbouring tribe of Shinwarres on the West, have come forward as securities, and have paid for the stolen sheep the original cause of the expedition; and although this unreasonable tribe of ferocious plundering savages have not come in, they have in their exile been attacked, and plundered by their Afreedee neighbours, on whom their expulsion had forced them to encroach The Commander of the Eusufzies applied the following opposite story to the Sangookel—A culprit had the option of receiving a hundred stripes, eating one hundred onions, or paying 100 rupees; he decided on trying the onions and, with much difficulty, devoured fifty, he then begged to be allowed to change his election, and get the hundred stripes; his wishes were complied with, but finding the pain insupportable; after he had received ninety of them, he paid down the 100 Rs. the fine originally required. Captain Ferris men were chiefly employed to clear the heights; the Horse Artillery guns were left in

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

camp at the sixth mile. Light troops and riflemen are best calculated for such a country. The natives conceal themselves behind bushes, or place

o
half a dozen stones thus o o behind which
o o o.

(sangar, as it is called) they snipe in security and concealment. If I have made any misstatement, set it down to my Authorities, who are more in number than the greater lights of heaven. We welcomed the troops back yesterday. The whole number of forts, exclusive of those in the plain was, I hear, 140."

Jellalabad, 18th March, 1841."

CHINA.

CALCUTTA COURIER EXTRA, APRIL 2.

This morning, news was received by the *Water Witch* from China, giving us intelligence of the renewal of Hostilities with that country. We lay the following before our readers as an Extra—we shall give further extracts in our regular Issue this evening. Our present items would have been published much earlier, and more fully from our own letters and papers, but for a press accident.

TRANSLATION.

"Yilishan, the emperor's brothers, as imperial envoy, and Lungwan, a tartar general, are especially appointed to proceed to Canton, to manage matters there. Also Yungtang, a guardian of the Prince, and the general commanding at Kooyeun in the province of Shense is appointed an imperial envoy. The three are to bring troops to Canton, and the whole are to control the affairs of the (English) Foreigners.

The day before yesterday a letter arrived in Canton, stating that they (the above imperial commissioners) have arrived in the province Hoonan, and will be in the provincial city of Canton in a few days.—Ed. C. R.

We have been favoured with the following particulars of what may be indeed called the battle of the Bogue:

The Black Swan Captain Hart, from the Bogue, having left at 7 P M on Friday, the 26th instant, reports that on the 25th three howitzers, with a covering party of native infantry, were landed on south Wangtung by the Nemesis and ship's boats: the Chinese forts on both sides occasionally firing upon them. During the night the battery for the howitzers was erected; the Chinese from north Wangtung keeping up a constant fire throughout.

On the tide serving in the morning at 11 A. M. on the 26th, the squadron got under weigh. The Calliope, Capt. Herbert, leading the attack on north Wangtung, followed by the Samarang, Druid, Wellesley, Sulphur and Modeste, got into action about noon. The Blenheim, attended by the Queen steamer and closely followed by the Melville, opened a fire on the forts of Anunghoy: the firing on all sides was heavy. The Blenheim afterwards grounded, but has hove or towed off without damage.

The steamer Nemisis and Madagascar, crowded with troops, and towing boats also filled with troops, ran close into the north Wangtung, and landed the troops under the command of Major Pratt, and the forts were speedily in the possession of the British force.

During the heat of the action, two English boats were observed pulling with characteristic daring close under the guns of Anunghoy: at 10 30, the seamen and marines from the Blenheim and Melville were landed close below the new fort, of which they took immediate possession, and advancing along the beach, entered the old fort—the Chinese running away over the hills.

Notwithstanding the extreme solidity of the chinese batteries, they suffered severely from the fire of our ships.—The number of prisoners taken on Wangtung was about 1,000, and the killed and wounded were very numerous: the officers deserted north Wangtung early in the morning taking all the boats with them leaving their troops to their fate whose exasperation at such cowardly and treacherous conduct, fired on their flying officers thus deserting their own men, post and colours and leading them to contend unaided, uncommanded, examplejess with such a fearful force.

The prisoners were being turned adrift on the *Tykoktow*, or west side of the Bogue? and the light division of the fleet, led by the Calliope, were proceeding towards Tigers island. The hills on the Tykoktow side, which had been covered all day with Chinese troops, were observed to be in a blaze. The transports had run up to north Wangtung, and a regiment was to remain in charge of the fort.

It is with great pleasure we state that there were no casualties on the British side in the attack on and capture of north Wangtung, as yet we have not heard whether the attack on Anunghoy was attended with the same happy result.

We have as yet been unable to glean many particulars of the engagement at the Bogue, beyond what is contained in the above Notices of which in many we observe that they are incorrectly dated, the forts have been taken yesterday the 26th and not on the 25th. Before our Extra goes to press we shall endeavour to collect some more details. (see below). The following are what we are now in possession of. Yesterday, at 11 A. M. a detachment of men were sent to South Wangtung with Howitzers, with which, from a breast work of sand bags they opened a fire on Anunghoy fort, signals were made at the same time for the ships of war to get under weigh, when H. M. S. Melville, Blenheim and Druid took up a position in front of Anunghoy fort—H. M. S. Wellesley, as well as the Calliope to the westward of South Wangtung. Unfortunately we have not yet any detailed account of the position of the other ships nor what share they took in the engagement. The ships immediately opened their fire upon the fort, from which the enemy were seen to fly in great numbers, and at half past two o'clock, all the Bogue forts were in possession of Her Majesty's forces. The fire from the ships seems to have been but feebly returned from the Forts, since we learn that only the Calliope was struck by a shot, which, however, had very nearly proved fatal to her gallant commander; Capt. Herbert, who had his clothes torn by it, and H. M. Plenipotentiary, who at the time was standing close by. The loss of the Chinese has not yet been ascertained, but it is supposed that probably not so many were killed as at Chuenpee. At the commencement of the engagement, a large number of Chinese were seen in a position above the fort, probably with the intention of opposing a landing, their elevated position enabling them to do much damage to the enemy. These, however, were dislodged by some shells and rockets from the Steamers, and were soon seen to be flying in all directions. Indeed on this occasion the Chinese troops were able to get out of the enemy's way, which was not the case in Chuenpee, and a great number were seen to embark in twelve large chop boats, and escape up the river. All opposition had ceased when the boats from the ships landed, we believe, at about 3 o'clock in the afternoon, and took possession of the forts. About 500 prisoners were made. The fort on Tiger-Island was found abandoned by its garrison.

The ships are now proceeding up the river, and we believe will push up towards Canton as far as they can. What may be the intention of the Commander in Chief, on reaching Whampoa, can at present of course only be guessed at, and from the circumstance of his having invited merchant ships immediately to enter the river, we should think it not unlikely that a truce will be proposed, pending the emperor's answer from Pekin to the proposals now to be made by H. M. Plenipotentiary on condition that during such truce the trade is to be unobstructed by the authorities. That such line of policy will be pursued we think more likely than that the forces will proceed up to Canton and attack or obtain ransom for that city, which it is supposed by some will be done. Others again seem to think that the Chinese will be invited to come to trade at Whampoa in spite of their authorities. However this be, we do not think that for the present at least there is much chance of trade to any considerable amount being carried on as parties at a distance may be led to believe from the Commodore's Notice, may be reared under the fostering protection of the British guns; on the contrary, we are inclined to think that until a final settlement between the courts, no trade of any moment will be found practicable. At Peking, and by His Imperial Majesty himself, must the treaty with the British Queen be now ratified, for no confidence can any longer be placed in a government and people whose character may be justly given in the words of the Latin Historian; "*Perfidia plusquam punica, summa inhumana crudelitas, nil veri, nil sancti, nullus Deum metus, nullum jusjurandum, nulla religio.*"

With proper management, decision and energy, the past may soon be forgotten, eclipsed by the success and advantages which must inevitably result from our asserting, with due spirit, the rights and dignity of the British Empire, and acting up to the celebrated Roman maxim of "parcere subjectis et debellare superbos;" the haughty Tartar must be compelled to recognise and respect the nations of the west.

—We have hitherto seen that no trust whatever is to be placed in Chinese protestations and promises; mere superiority of strength must decide the question now at issue, and we therefore trust that when this news reaches India, fresh reinforcements will be sent out immediately, and that a firm position be taken up and henceforward maintained.

An eye witness has kindly favored us with the following interesting particulars:

"On Thursday night a party of Seamen and some native troops landed on South Wangtung with 8 howitzers; in landing they were fired on by the Chinese without effect. In the course of the night a sand battery was raised, the Chinese firing at short intervals on the working party all night. At daylight this fire was returned with great effect from the newly raised batteries; about 11 a. m. on Friday the signal was made to get under weigh, with flood-tide and a very light wind. The Calliope led into action the Samarang, Druid, Wellesley (towed by the boats) Sulphur and Modeste, all attacking the North Wangtung fort occasionally firing at a small fort on the side of the river opposite to Anunghoy, but this heavy fire was not long answered briskly from the forts, and the steamers Nemesis, Madagascar soon were seen to run close to the fort and land the soldiers from on board of our boats they had towed the soldiers, and speedily had the whole Island in their possession and I was told there was not a single casualty on our side. The number of killed and wounded on the part of the Chinese was very considerable, but not, I understand, equal to what took place at Chuenpee. The prisoners at Wangtung were about 1000, and were being carried over by Steamers to Ty-cock-tow side and let go."

"The Blenheim and Melville assisted by the Queen steamer attacked Anunghoy fort a little after the other action began; the Blenheim was not apparently so near as the Melville. Their fire was answered with spirit for some time; the marines and seamen were landed and took possession of the lower fort, and soon went along the beach to the upper or old fort, and the whole by this time was in our possession, the Chinese making off up the hills. On the Ty-Kock-tow side the hills were covered with Chinese soldiers. At night, as we were coming away, they fired one or two guns and as after the whole line of hills where they had been encamped was in flames, I do not know how they fared. The Calliope was leading a separation up the river, but how far they got I did not hear. Not a man on our side was wounded, I believe, in North Wantung; I have not heard whether the Anunghoy division was equally fortunate.

The American merchants now in Canton, and anxious to leave, have been requested by the Chinese to remain; whether they will be actually prevented from departing remains to be seen. The foreign Consuls have, we learn, been invited by Keshen to act as mediators between him and Her Majesty's Plenipotentiary.

(*From the Englishman.*

The determination of the Emperor to carry on war to the knife caused Captain Elliott immediately to dispatch H. M.'s Sloop *Starling* to Chusan with orders, if possible, to intercept the transports and cause the troops to re-occupy the island. Captain Reimel conjectures that the *Starling* had probably succeeded, as none of the transports had reached Singapore when the *Water Witch* arrived. A letter from Pughae (Chusan) dated 19th February had been received at Macao, and as, at that time, the intelligence of the Emperor's resolve to make war at utrance had been received the probability is that the troops had not even been embarked. We annex an extract from the letter, as news received at Macao.

"I intend writing you fully by H. M. S. *Conway*, which is to sail every day, but lest by any chance news should reach by the *Kelpie* prior to the arrival of the *Conway*, I take this opportunity of acquainting you, upon the most undoubted authority, that the Emperor has refused to ratify every article of Capt. Elliott's treaty with Keshen:—we have more than one version of the edict in question but all agree in the important particulars not to pay a farthing of opium Hong debts, for under this head has Keshen represented the six millions to be paid for the opium, and to yield us not one single inch of territory for us to set our foot on.

There can be no doubt that such is the imperial mandate:—such being the cause, I tremble for the safety of your or any of our countrymen who may have gone up to Canton upon reliance upon the treaty, as the orders are to wage a war of extermination against us. Let every British subject therefore leave Canton as early as possible, and I hope that this warning may be yet in time.

To day I go over to Chinhae to demand the prisoners, and upon the reply of the Chinese authorities will depend our giving up the Island or not

Hong Kong had, we hear, been evacuated by our troops (though not, of course, altogether abandoned,) and every thing now wears the appearance of a protracted war.

We are indebted to Captain Rennell's great kindness for the greater part of the above, and we may add to the particulars with which he has so obligingly furnished us that H. M.'s ship *Cruizer* had not arrived at Macao on the 28th February, that the *Sultaun* from Bombay is supposed to be lost, that the *Ear of Clare* and *Cornwallis* had arrived, and that Opium was selling with difficulty at a less price than 400 dollars per chest.

CALCUTTA.

FORT WILLIAM,

Financial Department, the 31st March, 1841.

Notice is hereby given, that the Sub-Treasurers at Fort William, Fort St George, and Bombay, the several Residents at Native Courts, and several Collectors of Land Revenue under those Presidencies, as well as the Collectors and others in charge of Treasuries under the Government of the North Western Provinces, have been authorised to receive, until further orders, any sums of money, in even hundreds, of not less than 500, of Company's Rupees, which may be tendered on Loan to the East India Company, at an Interest of 5 per cent. per annum, subject to the provisions hereinafter specified.

2. Audited Bills for arrears of Salary, whether the same shall have been advertised or payment or not, will be received in lieu of Cash Subscriptions without any deduction. Bills of Exchange on the public Treasuries will also be received in subscription to this Loan, with a deduction at the rate of five per cent. per annum for the period they may have to run. Treasury Notes, and all authorised Public Demands, will be received as cash at par.

3. The Paymasters of the Army under the several Presidencies are also authorised to transfer any demands which may be payable by them respectively to this Loan, and to grant drafts at the Presidencies of Fort Wm. Fort St. George, and in the North Western Provinces for the amount, in the usual manner, on the Accountant General; and at the Presidency of Bombay, on the Military Pay-Master-General; which Drafts shall be received by the several Officers above mentioned, in payment of subscriptions, on being tendered to them for that purpose.

4. Furruckabad, Lucknow, Madras and Bombay Rupees will be received where respectively current at par with the Company's Rupees, in which last mentioned currency all Acknowledgments for the receipt of money into this Loan shall be expressed, interest when paid in these Rupees will be issued at the rates antecedently specified.

5. The several public Officers authored to receive subscriptions into this Loan will grant Acknowledgments in the following Form, for all sums received by them respectively.

"I hereby acknowledge that A. B. has this "day paid into the East India Company's "Treasury the sum of Company's Rupees ——— "for which he is entitled to receive a Promissory Note, bearing interest from the (30th of "June or 31st December next ensuing of the year "in which the subscription may be received as the "case may be) of the tenor and subject to the "conditions specified in the advertisement published in the Calcutta *Gazette* of the ——— and "intermediately the same interest from the date "of this Acknowledgment to the (30th of June "or 31st December of the year of subscription "as above.)"

6. The Deputy Accountant General at Fort William will, on the said Acknowledgments being delivered to him, forthwith cause to be prepared and issued to the parties entitled thereto, Promissory Notes under the signature of the Secretary to the Government of India in the following Form:

"FORT WILLIAM, *the 30th June*,"

"Promissory Note at 5 (five) per Cent for Company's Rupees ———

"The Governor General of India in Council does "hereby acknowledge to have received from A. "B, the sum of Company's Rupees ——— "as a Loan to the East India Company, and does "hereby promise, for and on behalf of the said "Company to repay the said Loan, by paying the "said sum of Company's Rupees, ——— "to the said A. B. his Executors or Administrators, or his or their order, on demand at the "General Treasury of Fort William, after the "expiration of three months notice of payment to "be given by the Governor General of India in "Council in the Calcutta Gazette, and to pay the "interest accruing on the said sum of Company's "Rupees ——— "at the rate of 5 per cent. per annum, by half-"yearly payments at the General Treasury of "Fort William, to the said A. B. his Executors "or Administrators, until the expiration of three "months after such notice of payment as aforesaid, when the amount of interest due will be "payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge "of the Note) all further interest shall cease."

"Signed by the authority of the Governor General of India in Council,

"*Secretary to the Government.*"

"*Accountant General's Office*,
"*Registered as No. of* 1841-42."

7. The several Officers authorised to receive subscriptions will, on application from the Holders of Acknowledgements, transmit them (free of every expense whatever) to the Accountant General in Bengal, to be exchanged for Promissory Notes bearing interest from the 30th of June, or 31st December next ensuing after the date of subscription. The interest accruing on the broken period of the half year, that may intervene between the date of subscription and the 30th of June, or 31st December next ensuing, as the case may be, will be paid up at the time of granting the Acknowledgment.

8. Proprietors of Notes who may require the interest to be paid at the General Treasury of Fort St. George, shall be entitled to receive it accordingly, provided they previously notify their wish to the Accountant General at Fort William, and present the Note to him to have an order for the payment of interest at the said Treasury, written on the face of them, under the signature of the said Officer or that of the Deputy Accountant General. And after such order shall, on the application of the Proprietor, be inscribed on any Note the interest shall be payable only from the said Treasure, unless the Proprietor shall present the Nte with an application for the purpose of transferring the payment to Bengal, to the Accountant General at Fort St. George, who, on such application being so made, will cancel the said order by writing inscribed as aforesaid, under the signature of himself or his Deputy, a similar course will be followed, mutatis mutandis, in the case of Proprietors of Notes who may desire to have the interest thereof paid at the General Treasury of Bombay.

6. The Proprietors of Acknowledgments, who may desire to have the interest of the Promissory Notes, to be issued on exchange thereof, to be made immediately payable at Madras or Bombay, must express their desire to that effect on the face of the Acknowledgments, before transmitting them to the Accountant General at Fort William, who will make the interest payable accordingly in the manner and subject to the conditions above stated.

10. The Promissory Notes of this Loan shall not be renewed or subdivided except by the Accountant General at Fort William. But the Accountants General at Fort St. George and Bombay will, on application of the Proprietors of such Notes, and the payment of the established fees, transmit them to the Accountant General in Bengal for the purpose of being renewed, or sub-divided free of all further expence. In other respects the practice and rules heretofore in use in regard to the renewal and subdivision of Promissory Notes will be adhered to.

11. The Notes of this Loan shall be advertised for discharge relatively to the 5 per cent. Loans of 1825, and 16th January 1830, in the order of their date, and the several Notes of this Loan shall be advertised for payment in the inverse order, in which they shall have been placed on the General Register, that is to say, the Notes last brought on the Register shall be first liable to discharge. But all Notes advertised at the same time for payment shall become payable on demand, without regard to priority, at the expiration of the notice. Government shall also be at liberty to advertise other Notes for payment without waiting for the expiration of pending notices, and to discharge the Notes so subsequently advertised at the expiration of the notice relating to them, notwithstanding the Holders of Notes comprised in prior advertisements may have omitted by themselves, or their Attornies duly authorised to apply for payment.

Published by Order of the Right Honorable the Governor General of India in Council,

G. A. BUSHBY,
Secretary to the Government of India.

FORT WILLIAM.

FINANCIAL DEPARTMENT, THE 31ST MARCH, 1841.

With reference to the above Advertisement, Notice is hereby given, that the Four per cent. Loan, opened on the 16th September 1835, will be closed on the 15th of May next.

Published by Order of the Right Honorable the Governor General of India in Council,

G. A. BUSHBY.
Secretary to the Government of India

LAW AND POLICE.

SUPREME COURT,—MARCH 31.

SITTINGS.

BEFORE SIR E. RYAN, SIR J. P. GRANT, AND SIR H. W. SETON.

John Gilbert Ricketts v. Forster Walker and Hugh Douglas.

Mr. Turton, *Mr. Hume* and *Morton* for the plaintiff and

Mr. Leith and *Mr. Sandes* for the defendants.

Mr. Morton opened the pleadings

Mr. Turton stated the case, and said this action, which was for an assault, arose out of proceedings which took place on the late trial of Major Smith by court martial in Fort William. The plaintiff was employed as reporter for the *Englishman* newspaper, and in that capacity attended the court to take notes. He was forbidden by the President, Colonel Walker to do so, and on insisting that he would discharge the duty for which he was paid, Serjeant Douglas, who was in attendance upon the court, was ordered to prevent him taking notes or to turn him out; his notes were snatched from his hand and he was turned out. When the plaint was first sent to me to be settled, I thought it was a very plain and simple case, and would turn upon whether the plaintiff had really interfered to prevent the course of justice. I don't think so, now that I have seen the special plea put upon the record, in which it is gravely stated that the public has no right to be admitted to a court martial! It is altogether a most extraordinary plea; to give an abstract of it is impossible. It contains a great deal about the constitution, and asserts among other matters that no person has a right of admission to Fort William. I grant that but I apprehend Mr. Ricketts had no intention to take the fort; however the real question is, *had he a right of admission to a place of public and judicial enquiry*. Then the plea asserted the power of Courts Martial to exclude witnesses; what had that to do with the question? It was no doubt the duty of the J. A. General to warn parties to retire if it was thought advisable but it is not imperative on him to do so; neither in Civil Courts is it imperative, though it is customary, to order the witnesses out of Court where either party desires it. The plea further stated that a report of the proceedings that had taken place on the first day, and published in the *Englishman* was false, incorrect and imperfect, and that the party under accusation had drawn the attention of the court to this. Supposing this to have been so, the court martial could not be misled by it, for every one of the officers composing it would be aware of the inaccuracies; the public might for a time be misled, but the court could not be, and it was to be observed that if the report was given incorrectly, that would be no guide to other witnesses who might have to be examined, and therefore the argument was knocked away, that publication interfered with and thwarted the object of the court in preventing the attendance of witnesses till called upon. The plea goes on that on the 26th Feb., the plaintiff unlawfully entered the room and then and there greatly disturbed and disquieted the said Colonel Walker, &c. I see a number of officers around me, many of whom were probably present, and all of whom must be taken to have shared the alarm and disquiet of the President. Why Banquo's ghost could hardly have produced so great a sensation as this quiet harmless reporter! He was armed—not with a sword, but with a pen! and materials for writing! The President ordered the plaintiff to desist! and 'expressly prohibited' his using his pen! but forsooth kindly and considerably and condescendingly informed him that 'he might remain if he did not take notes.' This is the first time in my life that I ever heard it was a crime or an offence to write in a Court of Justice, or that a party conducting himself decently and quietly needed the permission of a Judge that he might remain. But to-day we are taught even something more—that it is an unlawful act to enter a Court of Justice! What may be the superior dignity of a court martial I know not; but I say I have never heard this extravagant and arbitrary doctrine propounded before. I say it is not law, and I hope the court to-day will say the same. It is said the plaintiff conducted himself 'rudely and contumaciously.' I deny it—let my learned friend prove it—he said, after he had been assaulted, and as he was being ejected—'that will do, I'll see if I cant make you pay for this, Colonel Walker,' and what else could he with more propriety have said? He felt he had been illegally assaulted, and confident that the Court would right him, he intimated, by the language he used, that he would apply to it, and nothing more. He was right. I own that I advised it; let me then be called contumacious. I advised it, not on account of any personal injury done to the plaintiff, for that was little or none, but because I considered a principle was at stake too sacred to be trifled with—the liberty of the subject. It is asserted that the order for the plaintiff's expulsion was an order of the court; it was no such thing, it was a mere verbal order by the President who had no more authority than any other member of the court to give it, for he is but the mouthpiece of the court; disobedience then, not as it is called in the plea disobedience of the order of the court martial,—but disobedience to, or disregard of a foolish and illegal order, and if the court was interrupted it was by the folly and illegality of the President. There is not a court throughout England, from the Pie Poudre of Bartholomew Fair to the Highe Court of Chancery, in which reporters are not to be found, aye and taking notes too! What is allowable every where else, and the practice of every day, in Fort William is to be denounced as an interruption of justice. Publicity in the main is favorable to justice, how, could it ever be attained if this novel doctrine were to be upheld? In courts martial, for example, where the J. A. General takes, not a soul but the defendant has a right to a copy of them, not even the prosecutor to whom their possession might equally be an object of importance. Well, then the holding on of the finger was called threatening, but what was there unnatural in that action under the circumstances of provocation received? Besides, whatever that action might have been it was after the assault had been committed, and was the consequence of it. The Plea appears to have been framed from one demurred to in Collier v. *Hicks*, 2 Barn C. but that case was widely different from the present; there a party insisted on his right to take part in the proceedings of a Judicial Court and to act as counsel for the prisoner against the directions of the Magistrate, and it was decided that the Magistrate had a legal power to prevent him. Collyer v. Hicks established distinctly a point most material to the present case, viz. that the public has a right to be present in all Courts of Justice and to take notes too. Daubeny v. Cooper also decides the right of public to entrance to all Courts of the Judicature.

Ryan C. J.—Collyer v. Hicks ruled, and it had been ruled before, that it is in the discretion of the Court to allow a party to interfere in its proceedings, but that as one of the public he had a right to be present.

Mr. *Turton*.—Looking to the practice of Courts Martial I am astonished at the course that has been taken in this one. At the commencement of Captain Reynold's court martial of which we have all heard so much, the President begged that none of the evidence might be published until the conclusion of the proceedings;—what happened? the next morning the *Times* Newspaper printed word for word what had transpired, and so continued to do from day to day:—and what happened then? what could be done? nothing! The President, alluding to the hope he had expressed, intimated that he had no authority to enforce an order upon the subject. He had none. A Court Martial has not a higher power than this Court and I say this Court could not in *this way* enforce its orders. The plaintiff came not here to ask for vindictive or even large damages. I do not say he sustained any serious injury; his hands were scratched in the scuffle, and I believe that was the extent of it, but he comes here to try a great and important question upon which it is clear that there are at any rate some who are not satisfied, viz. whether a Court Martial has the power of arbitrarily forbidding a gentleman to use pen and ink in its presence and of ejecting him from the Court if he should persist in doing so?

Ryan. C. J. You had better turn to your authorities as to Courts Martial; those you have hitherto cited have been civil cases.

Mr. *Turton*.—The earliest case I remember is that of Col. Bastard, which is reported in Macarthur on Courts Martial, and there is the case of *Grant* v. *Gould* 2 Hen. Blackstone, P. 100

Ryan. C. J. Do you consider a Court Martial a Court of Record?

Mr. *Turton*—Certainly not, my Lord, and I think it has been held not to be.

Mr. J. *Grant*—Has it not a right to fine and imprison by statute?

Mr. *Turton*. No, my Lord, I don't say it may not have that power in particular cases, but not generally. A Court Martial has none

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to the features of a Court of Record. There is no record of its proceedings; the Judge Advocate General's notes are taken for the benefit of the Commander-in-chief or other officer who is to approve and confirm and nothing further. Where would they be evidence? A court martial cannot enforce the attendance of an unwilling witness without the aid of a Civil Court; surely it could do thus, were it a court of Record? Its sentence is a mere nullity until it has received the sanction of a power higher than itself, and this again is inconsistent with the character of a Court of Record; but I think the case of Col. Bastard, which I have already mentioned, is conclusive, for there damages to the amount of £300 were recovered against him as president, which action could not have been maintained had the Court been of Record.

The first witness called was

Major Charles James Collie Davidson examined by *Mr. Hume*

I was the prosecutor on the recent trial by Court Martial of Major Smith. I don't remember exactly the days on which the Court sat. I remember the transaction which is the substance of the present action. A person entered the Court and took up a position in my rear. He told me he came to report the proceedings for the *Englishman*, I did not know his name, that is the person—(pointing to Mr. Ricketts who was audaciously reporting at the moment!) He began to take notes; Col. Walker asked him what he was doing: he said, taking notes for the *Englishman* Paper, Colonel Walker told him he could not be allowed to do so. I don't remember the exact words used, but he gave him to understand, that he would not be allowed to take notes. He said he was the agent for the *Englishman*, and must do what he was tried for. Col. Walker then desired the sergeant who was in attendance on the Court, to take the chair from under him, and to turn him out. He corrected himself, and said, 'no dont' turn him out, but prevent his taking notes, he may stay if he does not take notes.' The reporter continued to take notes on his hat; the Sergeant told him to go out; he resisted; I mean by words, and said he would not go till forced, the Sergeant then made a snatch at the notes; the reporter drew his hand back, and, I believe the notes were torn, I do not know this exactly; the reporter kept his hands up to his breast during the struggle. Colonel Walker directed the Serjeant (Douglas) to turn him out. Plaintiff said 'That's enough. Col. Walker that will do. I'll see whether I can be righted'. His words were to that effect. The Serjeant put him out. The plaintiff had not spoken before he was spoken to, nor interrupted the proceedings of the Court.

Cross-examined by Mr. Leith.—Major Smith was acquitted. I have not a good memory. I know that the plaintiff was put out of the court—It excited general notice, the proceedings of the court were stopped. When the plaintiff entered the court, a witness was I think, under examination. All the witnesses had been ordered to leave the court. Colonel Walker, as President of the court martial, had made verbal order that no proceedings should be published until the trial was over—the proceedings continued several days. I remember Major Smith's bringing to the notice of the court on the second day an incorrect account in the *Englishman*, and observing that it would prejudice his case; he said the report was incorrect and pointed out one part in particular that was wrong. The court assembled within Fort William—I don't know who assigned the place of meeting. Courts Matial generally assembled in the Main Guard. On this occasion it was in the Governor's House. The first day of the trial I had a person to take notes on my own behalf—he was no friend of mine. The Deputy Judge Advocate was present taking notes—there has been an approval of the finding of the Court Martial in writing; the finding was not approved for some days—I should presume the Reporter must have heard the order that notes were not to be taken. I had a communication with Mr. Stocqueler on the subject of the publication of the evidence in the first days. I am a Commissioned Officer. I cannot swear whether Serjeant Douglas put his hands on the person of the plaintiff or on his chair. I swear plaintiff was not near enough to overlook the table where the officers were sitting—he was behind me, and I had a table between him and the officers forming the Court. plaintiff was agitated and spoke rather loudly, but without any particular irreverence to the Court, making allowance for what had previously happened. I saw nothing disrespectfully in his manner. I never heard colonel Walker use the word 'politely' when telling Serjeant Douglas to remove him. I don't swear that he did not. I have no recollection of plaintiff holding up his finger to Colonel Walker; he brushed byme, and went out with his back towards me. His tone was more deprecatory than threatening: There was an actual driving out of the court. I cannot say whether the last four or five paces he was actually put out of the Court.

Re-examined by Mr. Hume.—I have said the proceedings were stopped when the plaintiff came into the Court; it was not by anything he said or did that they were interrupted; whether Serjeant Douglas put his hands on the plaintiff or on his chair, he compelled the plaintiff to move—if there was anything threatening in the action of the plaintiff, it was after an assault had been committed upon him—there was a reporter for the *Courier* present when the assault was committed.

Major William Mactier examined by Mr. Morton. I am Deputy Judge Advocate, and acted in that capacity on Major Smith's trial. It was a request by Colonel Walker rather than an order, that the proceedings might not be published; it was made by me at the desire of Colonel Walker;—the Court did not clear for discussion as to the exclusion of Reporters—there was a discussion as to whether the conduct of the Editor of the *Englishman* should not be represented to the commander in-chief I think it was with closed doors on the 26th the day of the assault, Colonel Walker addressed an individual in court I believe that is the person (pointing) Col. W. asked him for what purpose he had come there? he replied he was the reporter of Mr. Stocqueler, and that he had come to take notes. He was told by Colonel Walker that he could not be allowed to do so, and that if he did he would be turned out of the Court, he was afterwards told he might stay in Court if he did not take notes I don't know his reply or whether he made any. Upon this he was ordered to stand up by Colonel Walker—I believe I repeated the same order.—Sergeant Douglas was then ordered by Colonel Walker to stand by him and prevent his taking notes;—there was no discussion with closed doors—it was the order of Col. Walker—I don't know what took place after that if any assault had taken place I could not have seen it—I heard Col. Walker tell the Sergeant to prevent plaintiff taking notes or to turn him out—that was the order of Col. Walker. My opinion was given on the 23d that the Court had no power to prohibit the publication of notes, and that parties publishing might be liable to prosecution.

Cross examined by Mr. Leith.—Major Smith brought to the notice of the Court the publication in the Englishman—that was on the second day—I did not read the report—I don't know whether the Reporter of the Courier was present. If the report were correctly published, it would frustate the object of the Court in excluding the witnesses—I saw no violence—I heard Col. Walker tell the persons not to take notes I did not hear the plaintiff speak in a loud tone of of voice—I was engaged in taking down the depositions of Lieutenant Sharpe—I am not certain I saw the plaintiff leave the room—You (to Mr. Leith) called my attention to what had been going on and said so and so had happened. Major Smith and Davidson are I believe, Commissioned Officers' but I have not seen their Commissions.

Mr. Turton—I will admit formal matters, if my learned friend will undertake to put in evidence, but I cannot admit anything without and so lose the right of reply.

Mr. Leith intimated that he would put in evidence.

Mr Stocqueler called by *Mr. Turton*.

Mr. Leith (on the *cour dire*)——I am not responsible for the costs of the action.—I have not indemnified the plaintiff's Attorney. I *am* interested in the case as a public man; but I have no pecuniary interest in it, nor have I had any communication on the subject with the Attorney concerned.

Examined by Mr. Turton—I am Editor of the *Englishman*—the plaintiff was a reporter for me—he was to have had Rs. 50 for taking notes of the court martial. After the first day, I had no intention of publishing the notes in detail till after the conclusion of the trial. I saw the plaintiff the day of the assault; his hands were bleeding.

Cross-examined by Mr. Leith—I don't know of my own knowledge how the blood came there. saw the plaintiff about noon of day of the assault. I know of no *order* against publication of the notes. I was present in court the first day and heard a request.

This was the plaintiff's case.

Mr Leith (with him *Mr. sandes*) for the defendants—It is admitted that the plaintiff sustained no personal injury, and therefore large damages are out of the question. The real question is as to the constitution of courts martial, which I say are different from all other Courts of Judicature. It is the invariable practice of these Courts to examine witness apart: it is the particular duty of the Judge Advocate to take notes, and if others are to be at liberty to do so for publication, the object of the Court is at once frustrated. In the present case it was clear that the plaintiff was not even capable of taking notes as appeared from the incorrect reports that had been published in the *Englishman*—Courts Martial are open to the public by courtesy only; the civil cases quoted show that a party may not interfere with the proceeding of a Court; the acts of the plaintiff, in this case led to the interruption of the proceedings of the Court. The House of Commons constantly exercised the right of excluding parties. Between Courts Martial and Civil Courts there is this difference. In Courts Martial there is a fit and proper person to take notes, the Judge Advocate; in Civil Courts it is not so.

Ryan, C. J.—Yes, Judges are bound to take notes; therefore what can the argument come to?

Mr Leith.—There is a direct power in the mutiny act to make the Articles of War, and the powers thereby given must be taken to extend to all persons whether Civil or Military. I admit Courts Martial have no power to punish for such offences as subornation of perjury (Bastard Case) but this is nothing of the sort; it is contumacy and contempt. By 19th Art of War, a Court has power to commit persons who interrupt proceedings in the face of the Court. All Courts must possess the power, the lawful power, to protect their own proceedings.

Thomas Sandes, examined by *Mr. Sandes*, I was present each day at the court-martial;—there was a request that no publication should take place. I attended the court the day the assault took place; the plaintiff came in some time after the proceedings commenced on the 26th; he took a chair behind the Deputy Judge Advocate, and after a few minutes Colonel Walker asked who he was—he said he came as reporter of the *Englishman*. Colonel Walker told him he could not take notes—he said it was his duty, and he should. Major Mactier or Col. Walker ordered him to stand up—he did so, and continued to take notes on the crown of his hat. The Serjeant was told to stand beside him—politely—but not to let him take notes; there was a scuffle and the papers were crumpled—I can't say if they were torn or not—his manner was offensive going out of the Court, I could not say that before the assault, his manner was respectful, but I don't think it amounted to disrespect. I saw no one push him out of the Court, I must have seen if any one had done it. I think he held up his hand going out of the Court.

Captain Brind, examined by *Mr. Leith*—I am a Captain of Horse Artillery, and was on Major Smith's Court Martial. The reporter came in about one o'clock; the proceedings on that day had commenced about ½ past 11, he was told he could not take notes; the president told the Sergeant of the Court to remove him from the Court; the reporter said he would not leave the Court; the President did not persist, but told the Sergeant not to let him take notes—he was ordered to stand up—he did not at first—Major Mactier repeated the order—he did stand up. The sergeant asked for orders—some of the members of the Court reminded the President that he must give some orders—the president then told the Sergeant not to let him keep the notes—the sergeant seized them—I saw some of them on the floor—Plaintiff said 'that is sufficient you shall suffer for this Col. Walker'—he then left the Court. The proceedings were interrupted. Plaintiff said when told he could not take notes, 'Is this an open Court—I should like to know if this is an open Court"

Cross examined by *Mr. Torton.*—He had not interrupted the Court before he was told not to take notes; he had not behaved disrespectfully—whatever heat he showed was after that. I should say his manner was threatening. I swear the Serjeant did not touch the chair, and that he did not push him.

Major Blake, examined by *Mr. Leith.*—I am Major of Artillery. I was on the Court Martial; the Reporter was ordered out of Court his manner was very disrespectful and insolent—If I had been President of the Court, I should have looked him up at once; I certainly should.

Cross-examined by Mr. Hume. There was nothing disrespectful in his manner before he was ordered to leave the Court.

This was the case for the defendants.

Mr. Turton—in reply. The evidence for the defence has not at all shaken our case. An assault has clearly been committed for which there is no justification in the evidence, though a plea of justification has been put on the record. I attribute no improper feelings or bad motives to Col. Walker, but I say he has acted foolishly and illegally. I am perfectly willing to throw aside all petty matters, as to whether the order was given by Col. Walker or by the Court though it is clear it was by the former alone, and to rest the verdict on the broad principle that the Court had no legal power to eject one of the public peaceably taking notes of the proceedings. I have said that I seek not heavy damages—I ask only moderate ones and the costs of this action; the public question at issue was what it was important to have decided. I am the last man to treat a Court Martial or any other authority with disrespect, or encourage disrespect in others, but I maintain that in this instance an illegal power has been exercised, and that the public has a right to be protected in the enjoyment of an undoubted right. I say a man has a right to take notes in a public Court of Justice, and this is the right that has been denied to the plaintiff.

Sir E Ryan. after having consulted the Bench said,—this is an action of assault brought against Colonel Walker and Serjeant Douglas. There is the plea of the general issue, and a long special plea of justification. That an assault has been committed is beyond all doubt; that the court was a public court is also beyond doubt. The first question is had the public a right of admission? Certainly it had,—and secondly had any one the right to take notes? neither upon this point can there be the slightest doubt. The court had no lawful power to forbid it, but it did prohibit and eventually prevent the taking by force. Its order, if indeed it were the order by the court, which has not been proved, but rather the contrary, was illegal, and continuing to take notes was no contempt. I express my own opinion, and I believe the opinion of the court, that courts martial have the power to punish *contempt in the face of the Court*, even if the party behaving so as to interrupt the proceedings of the Court were not subject to the Articles of war, but this it must be understood, is confined to cases, of contempt in the face of the Court. If a formal order had been made that notes of the proceedings should not be punished, we think it would have been very difficult to reach the offender. I am disposed to think that a Court Martial is not a Court of Record; the most important point in the case, though it has been perhaps somewhat lightly treated. On the authority of *Garnett, Ferrard*, 6 B. and C. 640. an action of trespass will not lie against a Coroner for turning a man out of a room. The court there expressly decided that being the act of a Judge of a Court of Record, the proceeding against him could only be by impeachment. The case to *Daubeny Corper.* decided clearly that the public had a right of entry to all Courts of Judicial proceedings. *Collier v. Hicks* was no overruling of the point, but rather confirmed it as far as it went, and only said that an Attorney had no *right* to act as counsel for a party, but that it was in the discretion of the court to allow him to do so. As to the question of a court martial being a Court of Record, my own opinion is that *it is not*, and I think that the case of *Moore and Bastard* shows it, but I will give Mr. Leith an opportunity to raise the question by reserving to him liberty to move thereon if he should think fit. We do not think this a case for heavy damages and we find for the plaintiff damages Rs. 50 and costs.

Verdict for the paintiff, damages Rs. 50 and costs.—Englishman, April 3.

ENGLISHMAN, APRIL 3.

When the news of Capt. Elliot's treaty with the Chinese arrived, we expressed our belief that it would not be confirmed, and we have now to congratulate the public on the renewal of hostilities. We say congratulate, for lamentable as such a war is, we hold it preferable, far preferable, to the disgraceful peace which had been concluded by the most imbecile of negotiators ever entrusted with such vast interests.

The result is what every body, except Capt. Elliot, foresaw that he has had to do at last what ought to have been done at first. Eight months have been wasted in sailing to the Yellow Sea and back, and in useless conversations with persons who do not appear to have possessed any power to treat. Now in the month of February, the Bogue forts are taken; had this been done, as every body expected it would have been, last June, the voyage to Pekin would undoubtedly have produced an equitable and permanent treaty. Now after a lamentable loss of life, a delay of a year,—for it will be at least a year from the first to the second now projected expedition to the Yellow Sea,—the proper course is about to be taken. The Chinese Government is to be awed into a proper respect for the British nation and terms made at the muzzles of our guns. All this delay and expense, all this waste of life and bitter disappointment, may be fairly attributed to the utter incapacity of the person entrusted with the negotiations. We know that the Whig Government was warned against employing any man who had been publicly disgraced in China. whatever might be his talents, and certainly there was nothing in Captain Elliot's previous career that could justify his retention in his important office after he had been ignominiously expelled from the city of Canton. Very nearly balanced as parties are at home, it would not surprise us if this China war were to be the expulsion of the Whigs from office, for we cannot imagine what justification they can attempt for retaining a man whose acts they had themselves repudiated. Let us hope that the Government here has been entrusted with power to interfere, if not to supersede a man from whom nothing can be expected but blunders. The private letters from Canton, which stated the whole negotiation on the part of the Chinese to be a mere *ruse* to gain time, are now amply confirmed, and we can believe what we have seen stated in one of these letters, that the time so gained has been made use of, in blocking up the Pekin river, and in fortifying all the approaches to the capital. Let us hope that even Capt. Elliot's vacillation will not prevent the immediate capture of Canton and its retention till the whole dispute is finally settled. We also anxiously hope that the breathless haste with which the important conquest of Chusan was about to be given up, will not suffice to enable the Chinese to recover it. On the contrary, we hope the adjacent islands be immediately reduced under British rule, and a sufficient force sent there to prevent all tampering with the inhabitants on the part of the Chinese Government. Will our negotiator never learn that half measures are always dangerous, and that even severity in war is humanity in the end? With a faithless Government like the Chinese, *fear* is the only mode of coercion. They must be made to dread the consequences of every breach of public faith, and we doubt not that even this long deferred capture of the Bogue forts will do more towards a settlement than could be effected by all that Captain Elliot can say and write to the end of his life.

BURMAH.

MAULMAIN, CHRONICLE, FEB. 10.

The reports of affairs at Rangoon leave no doubts as to the fact that preparations are going forward for building a palace for the king. A Woon-douk and other officers have arrived there, and are projecting the plan and laying out the grounds for the palace. More than forty edifices, it is said, are to be erected. The building is to commence without delay, and the report is, that the king is coming down after the Water Festival, which is to take place in September next. Stockades have been erected at Kyee-myen-daing, three or four miles above Rangoon, and one at the entrance of Panlang Creek. While there is no doubt as to preparations being begun for the reception of the king, it is not a matter of so much certainty that he will change his residence. One of his Shan tributaries has, we hear, been making overtures to the king of Siam, through the Chiefs of Zimmay, Labon, and Lagwon, a circumstance which will cause him some trouble.

We learn from the *Singapore Free Press* of the 31st of Dec. that, according to the latest accounts from Bankok, a war had broken out between the Cambodians and Cochin Chinese, the former of whom were assisted by Siam. The cause of the war is said to be an attempt of the Cambodians to cast off the yoke of the Cochin Chinese. Troops in considerable numbers are being levied in Siam, and sent to the frontiers. If it be true that the Cambodians have risen to assert their independence, the forces of their enemies, being dragged involuntarily to the field, will have little chance of success.

MAULMAIN CHRONICLE, FEB. 17.

Reports have reached us that on the night of Sunday the 8th inst. the greater part of the town and part of the walls of Rangoon were destroyed by fire. About 670 houses, it is said, were consumed, and several of the English merchants there have sustained considerable loss. The infamous satellites and minions of the Government, the soldiers and palace-builders, increased the calamity by spreading the fire, robbing plundering and even killing the inhabitants. It is said some forty were found murdered.

MAULMAIN CHRONICLE, FEB. 24.

On Sunday night last, a native met his death at the hand of a robber. The latter had entered a house, and on retreating with the spoils a hue-and-cry was raised, and a pursuit took place; but while he was just about being seized, he turned and stabbed his pursuer, who soon after died. The murderer was eventually seized and secured.

In regard to the great things about to be done at Rangoon, report still assures us that the new palace is to be erected without delay. The King is expected to arrive at Tset-dau-ya, the place of the impression of Gaudama's foot, about the commencement of the new Burmese year; whence he is to proceed to Prome to pay homage to the Shway Tshan-dau pagoda. His next stage is to be the town of Tha-ya-wad-dee, where it is his purpose to arrive about September next, and where the festival of Yay-tha-beng, or the annual boat-racing, will take place. Immediately after this festival, he is to come to Rangoon. It is also said, on the same authority, that nine Shan tributaries, nine military Chiefs, and nine Regiments, are to take place in the Civil Department in the southern provinces. Bassein is to be occupied by the Pyee-meng, the heir apparent, and Beling by Shen-Phyoo, the second prince. The present governor of Beling, Moung-Shuay-Ya, is to be translated to Martaban. Another prince, Toung-dwengkyoung-Tha, is to be stationed at Tsa-lay. The Kye woon-meng-gyee, and Moung-Shway Tha, are to remain at Amarapura in charge of the Capital and upper provinces. All the members of the royal family also are to accompany his Majesty to Rangoon. Already, it is said, the troops at the capital amount to 46,000 men. The great Pagodas at Rangoon and Pegu are to be special objects of the pious monarch's regard; both are to be covered with gold-leaf from the foundation to the top, and the Tee, or cap itself, of the former is to be removed and a new one formed of the contributions of each of the King's family. Two hundred and sixty carpenters have been sent from Amarapura to Rangoon, under the superintendence of the Woon-douk Moung-nyo, to erect the palace to defray the expenses of which the King pays out of his own private purse, 600 visses are to be collected from the different cities; in all 120,00 tickals. For the supply of the military force, 30,000 baskets of rice from Pegu, and the same quantity from Bassein have been stored in Rangoon. Martaban is exempted from this contribution on account of being an "outpost" and on the extremity of the kingdom. His Majesty contemplates remaining about 10 months at Rangoon.

There is no doubt that it is the intention of the king to visit this southern extremity of his kingdom. That he will effect his purpose may justly be doubted. Some other whim may take the place of the present one, or circumstances may make it imprudent for him to leave his capital; but his present intention can scarcely be doubted, as all the preparations which are now going forward at Rangoon are unquestionably in obedience to the royal mandate. We see no reason, therefore, why we should not believe the above report to be true in its main features; as to the truth of minor particulars, such as the princes being appointed to take charge of Beling and Bassein, and the military force which is to accompany the king, &c., some question may be permitted.

In reference to the fire at Rangoon, the occurrence of which we mentioned last week, we hear that a strong suspicion exists of its having been caused by design, the object being to induce the inhabitants to move to the new town.

MAULMAIN CHRONICLE, MARCH 3.

One of the most remarkable facts connected with the progress of missionary labour, is the increasing effect which it has on the Karen population in this and adjacent regions. It is certain, if we except the people of some of the South Sea Islands, that in no instance during the period of modern missions, have the conversions from heathenism to Christianity been so extensive as among this singular and, till within a few years past, unknown portion of the human race. It would be impossible to form a correct idea of the amount of the population of the tribes of Karens scattered over these provinces, and Arrakan. They are very numerous, and constitute a population differing entirely from Burmese in their religion and many of their habits and customs. Boodhism has made no impression upon them. They have had no written language, and although living in the same country for centuries with a people who have had one, they have abstained from adopting it as a language of general use among themselves, remaining contented with their real mode of communication. Some of them, it is true, have learnt the Burmese, and recently, as we formerly had occasion to mention, their own language has been given to them in a written form by the American Baptist Missionaries. By these means, connected with the preaching of missionaries, Christianity has been introduced amongst them, and in all places, multitudes have been found ready to receive the truth and admit its obligations. The Missionary operations having been prohibited in Burmah soon after the late revolution there, they missionaries sought other stations in the provinces under British rule. One of them went to the province of Sandway, in Arrakan, and we have lately heard that within less than a year, more than hundred individuals among the Karens have become baptized Christians under the labours of that missionary alone. A general spirit of enquiry, seems to have been excited throughout that region, and is extending itself among the Karens within the Burmese territory. Many of the above mentioned converts are heads of families, so that the influence of christian principles is felt much beyond the individuals who have openly avowed them. The fact of the facility with which these people listen to the instructions of the missionaries and embrace christianity, is singular and worthy of observation in the history of missions. While the disciples of Brahma and Boodh, constituting a very large proportion of the population of Asia, having made some progress in civilization and the arts, possessing a national literature, capable of holding the scales of evidence and of discriminating between truth and falsehood, appear inaccessible to the force of christian truth, and unconvinced by the proofs of its divine originality, this obscure race, knowing little or nothing of the world, unacquainted with any arts beyond those of providing themselves with food and clothing sufficient only for their necessities—with no records of their origin or ancient circumstances—with no language but oral, appear to yield in great numbers comparatively with little difficulty to the claims of christianity as presented to them by the missionaries. The event is certainly probable, that ere many years the British Government will have an extensive christian population risen up in these territories, who, claiming exemption from heathen superstitions, will demand a legislation conformable to their new circumstances, and, reclaimed from a state of savage wildness, will contribute by their industry and moral habits to the safety and well being of the state.

EUROPEAN INTELLIGENCE.

UNITED STATES.

We have received private letters from Canada which communicate a fact of great importance. Sir James Stuart, the Chief Justice of Quebec, is said to have resigned his seat in the Special Council of Lower Canada, of which he was the President. At all events, he is no longer Lord Sydenham's chief adviser, but has openly disagreed with the Governor-General, and quitted Montreal for Quebec. The particulars of the difference are not yet before us; but we should not have mentioned the circumstance unless assured of the perfect accuracy of the above statement.—*Colonial Gazette.*

Lord Falkland, the Governor of Nova Scotia, opened the Legislature of that province on the 3d instant. In his speech he renews his assurance that he means to govern on the principle of responsible government. Mr. Uniacke, a member of the Executive Council, stated in the House of Assembly, that the Governor's speech had been submitted to the Council, and that they flet themselves bound to stand by it.

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